

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KEVIN M. ROHRBACH and
ANALIA M. ROHRBACH, h/w**

Plaintiffs,

v.

**NVR, INC. (t/a RYAN HOMES),
JOHN DOES 1–10, and
JOHN DOE CORP. 1–10**

Defendants.

CIVIL ACTION NO. 19-5847

ORDER

AND NOW, this 29th day of March 2024, upon consideration of Defendant NVR’s Motion for Summary Judgment [Doc. No. 72], Plaintiffs Kevin and Analia Rohrbach’s Motion for Summary Judgment [Doc. No. 73], and the responses and reply thereto, it is hereby **ORDERED** that the Motions are **DENIED**. Counts I, II, III, and IV of the Second Amended Complaint remain. It is further **ORDERED** that the Clerk of Court is **DIRECTED** to **STRIKE** the following documents which have been filed in this case:

1. Exhibit 34, Defendant’s Motion for Summary Judgment [Doc. No. 74-36];
2. Exhibit 35, Defendant’s Motion for Summary Judgment [Doc. No. 74-37]; and
3. Exhibit B, Plaintiff’s Response to Defendant’s Motion [Doc. No. 81-4].

The Court reminds the parties that email communications between counsel, unilaterally produced by counsel for one party, cannot and do not serve to provide admissible evidence in support of or counter to a dispositive motion.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.